POSZ LAW GROUP, PLC

ATTORNEYS AT LAW

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SPECIALIZING IN PATENTS, TRADEMARKS & COPYRIGHTS

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> > MAY 1 7 2006

DEBRA G. SHOEMAKER, PH.D.**

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CYNTHIA K. NICHOLBON
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THERESE B. VARNOELL.*

KERRY 6. CULPEPPER

* NOT ADMITTED IN VIRGINIA PRACTICE LIMITED TO FEDERAL PATENT. TRADEMARK AND COPYRIGHT MATTERS PATENT AGENT

FACSIMILE TRANSMISSION

Date: 5/17/2006

Pages:

Fax No.:

571-273-8300

To:

USPTO Office of Petitions

ATTENTION: Examining Attorney Charlema Grant

From:

David Posz (Reg. No. 37,701)

Re:

REQUEST FOR RECONSIDERATION OF PETITION UNDER

37 C.F.R. 1.181(a) FOR RE-MAILING OF NOTICE OF ALLOWANCE AND

RE-START OF ISSUE FEE DUE DATE (Serial No. 10/690,843)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300 on May 17, 2006 to the attention of Office of Petitions (Petitions Attorney Charlema R. Grant).

Typed Name: DAVID G. POSZ

Signature:

Applicant(s): NATSUME et al.

Atty. Dkt.: 11-200

Serial No.: 10/690,843

Group Art Unit: 3662

Filed: October 28, 2003

Examiner: Bernarr E. Gregory

Title: DISTANCE CALCULATING

METHOD AND SYSTEM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): NATSUME et al.

Atty. Dkt.: 11-200

Serial No.: 10/690,843

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Commissioner for Patents Alexandria, VA 22314 Mail Stop: Petition

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Signature:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.181(a) FOR RE-MAILING OF NOTICE OF ALLOWANCE AND RE-START OF ISSUE FEE DUE DATE

Sir:

This Request is being timely filed in response to a DECISION ON PETITION mailed on May 11, 2006 by the USPTO that dismissed Applicants' PETITION UNDER 37 C.F.R. 1.181(a) FOR RE-MAILING OF NOTICE OF ALLOWANCE AND RE-START OF ISSUE FEE DUE DATE filed on April 11, 2006 for the above application.

Upon review of the DECISION ON PETITION by the undersigned, it appears that the Office of Petitions asserts that the PETITION filed on April 11, 2006 was acceptable, except that the docketing records originally submitted with the PETITION as Exhibit A were allegedly Serial No. 10/690,843

not sufficient to provide clarification of the firm's practice for docketing communications from the USPTO.

In response, attached hereto as Exhibit A please find copies of additional screens from the firm's docketing records for the present application in question. The first screen is the screen on which Office Action information was entered for the Office Action mailed on April 8, 2004 and on which filing date information was entered for the Amendment filed on June 29, 2004. The second screen is the screen on which the receipt date of the Notice of Allowance would have been entered, and on which the corresponding issue fee due date and issue fee payment date information would have been entered. As is evident from the latter screen, the Notice of Allowance date of receipt was never entered because the Notice was never received.

Also, referring back to Exhibit A of the April 11th PETITION, the Office should note that the docketing system enables the status of the present application as indicated on the upper right hand side of the captured screen to be changed from "PENDING" to "ALLOWED" upon receipt of a Notice of Allowance. It is clear from the docketing screen that the status of the application was never changed from "PENDING" to "ALLOWED," thereby providing further evidence that the Notice of Allowance was never received.

Finally, attached hereto as Exhibit B are copies of the an incoming mail log maintained by the firm of the undersigned for all correspondence received from the USPTO from October 7, 2004 (the mailing date of the Notice of Allowance in question) through October 20, 2004. Also attached as Exhibit C are public PAIR screen copies of the Transaction Histories for all other applications prosecuted by the firm of the undersigned in which Notices of Allowance were mailed on October 7, 2004 (the alleged mailing date of the Notice of Allowance in question). The incoming mail log and Transaction Histories provide further proof that, on

Serial No. 10/690,843

October 8, 2006, the firm of the undersigned received all Notices of Allowance mailed by the USPTO on October 7, 2004 for other applications handled by the firm, but that the firm never received the Notice of Allowance in question (attorney docket no. 11-200).

In view of the above remarks, the previously submitted Petition, and the attached Exhibits, it is again respectfully asserted that the Notice of Allowance for the above application was either lost in the mail or, in fact, was never mailed. Prompt review and grant of this Petition, as well as a prompt re-mail of the Notice of Allowance and a re-start of the three-month issue fee payment due date, are respectfully requested.

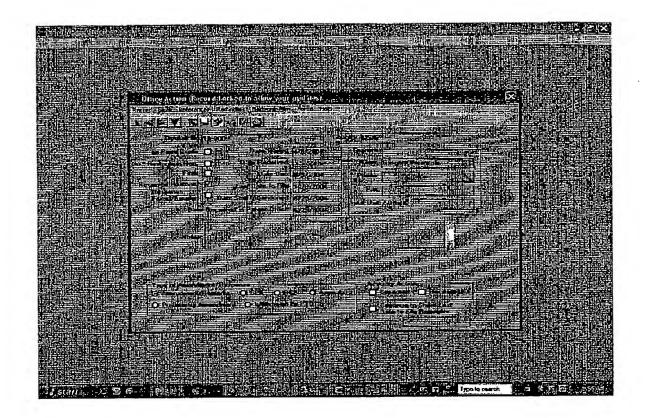
If the reviewing Petitions Attorney has any remaining questions regarding this matter, she is invited to call the undersigned at the number provided below. Although no fees are believed to be due, authorization is hereby given to charge any unforeseen fees to deposit account 50-1147.

Respectfully submitted, POSZ LAW GROUP, PLC

David G. Posz Reg. No. 37,701

Posz Law Group, PLC 12040 South Lakes Drive Suite 101 Reston, VA 20191 (703) 707-9110 (phone) Customer No. 23400

EXHIBIT A



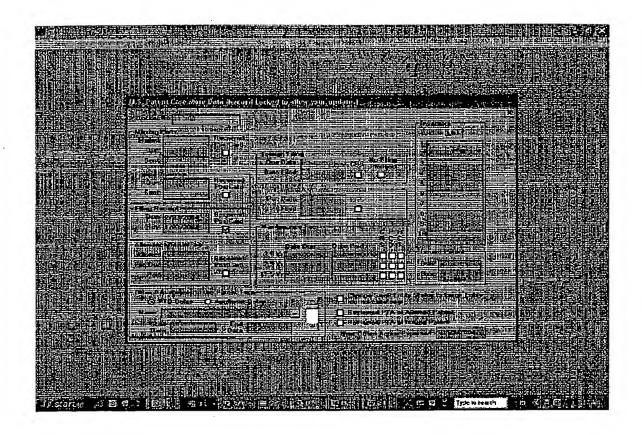


EXHIBIT B

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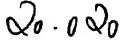
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Restriction Requirements:
Issue Notifications: - 530, -517, 0x-207, 26c-006, 5-03; 2-044, 26ct-009, 0- 38, 1-153.
J. of Pub. 12-47 1-235-DIV. 35-00/-7N. 1-609
Post Cards: 11-123-DIV, 12-54. 12-53. 6-007.
Search Rpt 27-009-Pct.

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Date: Initials: Checked By:
Office Actions: 11-173. 20T-037
Notice of Allowance: 11-187, 3-16.
Assignments:
Filing Receipts: 11-368 26L-3
Restriction Requirements:
Issue Notifications:
Granted Patents: (-372. 5-73
Post Cards: 43-1. 10-285. 11-275. 10-288.
Others Action 1-18-6 Not Abandonment 11-91

EXHIBIT C



Page 1 of 2



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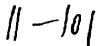
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Resources & Public Notices	02-08-2005	Patent Issue Date Used in PTA Calculation
Patent Searches	01-11-2005	Receipt into Pubs
Patent Official Gazette	01-10-2005	Dispatch to FDC
Search Patents & Applications	01-10-2005	Application Is Considered Ready for Issue
Search Biological Sequences	12-30-2004	Issue Fee Payment Verified
Copies, Products & Services	12-30-2004	Issue Fee Payment Received
Other	12-14-2004	Receipt into Pubs
Copyrights	11-09-2004	Receipt into Pubs
Trademarks Policy & Law	10-28-2004	Workflow - File Sent to Contractor
Reports	10-07-2004	Mail Notice of Allowance
	10-01-2004	Notice of Allowance Data Verification Completed
	10-01-2004	Case Docketed to Examiner in GAU
	09-15-2004	Case Docketed to Examiner in GAU
	04-29-2004	IFW TSS Processing by Tech Center Complete
	12-02-2003	Reference capture on IDS
	12-02-2003	Information Disclosure Statement (IDS) Filed
	04-29-2004	Case Docketed to Examiner in GAU
	03-12-2004	Application Return from OIPE
	03-12-2004	Application Return TO OIPE
	03-12-2004	Application Return from OIPE
	03-15-2004	Application Is Now Complete
	03-12-2004	Application Return TO OIPE
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	02-10-2004	Referred to Level 2 (LARS) by OIPE CSR
	01-07-2004	IFW Scan & PACR Auto Security Review
	12-02-2003	Initial Exam Team nn

If you need help:

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Page 1 of 2



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	04-23-2004	Mail Non-Final Rejection
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	02-04-2004	IFW Amended case processing Complete
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Page 1 of 2



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Transfer Inquiry to GAU

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Application Dispatched from OIPE

IFW Scan & PACR Auto Security Review

Application Is Now Complete

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Page 1 of 2



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Other	10-26-2004	Receipt into Pubs
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	08-11-2004	Paralegal TD Not accepted
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	10-25-2002	Information Disclosure Statement (IDS) Filed
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	03-29-2004	Mail Non-Final Rejection

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Page 1 of 2



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz Alerts | News | Help

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		03-08-2004	Non-Final Rejection
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		01-20-2004	Case Docketed to Examiner in GAU
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		10-29-2003	Notice MailedApplication IncompleteFiling Da
		10-18-2003	Cleared by OIPE CSR
		09-07-2003	IFW Scan & PACR Auto Security Review

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Page 1 of 2



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社 Patent Application Information (PAIR) Patent Ownership	10/277,981	COMPARING CIRCUIT, COMPARATOR SETTING METHOD	
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Supplemental Resources & Support	Mark (3 aso	History Pyres on Adjusting las	
Patent Information	Transaction	History	
Patent Information Patent Guidance and General Info	Date	Transaction Description	
Codes, Rules & Manuals	03-22-2005	Recordation of Patent Grant Mailed	
Employee & Office Directories	03-02-2005	Issue Notification Mailed	
Resources & Public Notices	03-22-2005	Patent Issue Date Used in PTA Calculation	
	02-22-2005	Receipt into Pubs	
Patent Searches	02-18-2005	Dispatch to FDC	
Patent Official Gazette Search Patents & Applications	02-18-2005	Application Is Considered Ready for Issue	
Search Biological Sequences	12-23-2004	Issue Fee Payment Verified	
Copies, Products & Services	12-23-2004	Issue Fee Payment Received	
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Other	12-21-2004	Receipt Into Pubs	
<u>Copyrights</u> <u>Trademarks</u>	11-03-2004	Request for Refund	
Policy & Law	10-27-2004	Receipt into Pubs	
Reports	10-26-2004	Workflow - File Sent to Contractor	
	10-07-2004	Mail Notice of Allowance	
	10-07-2004	Mail Examiner Interview Summary (PTOL - 41	
	10-07-2004	Mail Examiner's Amendment	
	10-04-2004	Notice of Allowance Data Verification Complete	
	10-04-2004	Case Docketed to Examiner in GAU	
	10-04-2004	Examiner's Amendment Communication	
	10-04-2004	Claims PTO	
	09-29-2004	Examiner Interview Summary Record (PTOL -	
	07-27-2004	Date Forwarded to Examiner	
	07-15-2004	Response to Election / Restriction Filed	
	07-15-2004	Workflow incoming amendment IFW	
	06-17-2004	Mail Restriction Requirement	
	06-16-2004	Requirement for Restriction / Election	
	06-08-2004	Date Forwarded to Examiner	
	05-10-2004	Amendment after Final Rejection	
	05-10-2004	Request for Extension of Time - Granted	
	05-10-2004	Workflow incoming amendment IFW	
	05-10-2004	Workflow incoming petition IFW	
	01-08-2004	Mall Final Rejection (PTOL - 326)	
	01-07-2004	Final Rejection	

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